

# Bulletin of the University of Georgia

Volume XXIII

DECEMBER, 1952

Number 1

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(Reprinted from THE MISSISSIPPI VALLEY HISTORICAL REVIEW,  
Sixth Number, November, 1951. Proceedings of the Mississippi  
History Historical Association, 1950-1951.)

Published by the Board of Trustees of the University of Georgia, Athens, Georgia, 30602.  
Entered as Second-Class Matter, October 1, 1902. (Postmaster: Send Address Changes to the Editor.)

Special Number 37

## ELIJAH CLARKE'S FOREIGN INTRIGUES AND THE "TRANS-OCONEE REPUBLIC"

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In the early days of the American republic, foreign nations failed to respect the independent position which had been attained by this new government. Rather, they considered it legitimate ground for intrigues, a remnant for a "tail to the European kite." And indeed many Americans themselves, still swayed by the passions of the Revolution and unsettled from its turmoils, had not come to realize the part that law and order were to play. As a result, they too often became the willing tools of foreign powers; or, mistaking their own wild ambitions for patriotism, they engaged in ventures that, to say the least, tended toward the destruction of state and nation. Successive intrigues by England, France, and Spain are too well known to mention; so are the contributory ventures of such men as James Wilkinson, Burr, and George Rogers Clark. Not so well known, but of equal importance in their possibilities, were certain projects by Elijah Clarke. His name is linked with two ventures, which, though in ultimate purposes entirely separated, were in conception closely related. Hence it has been deemed proper to treat both in the same paper.

Elijah Clarke was a bold partisan leader in Georgia during the Revolution. He took a conspicuous part in the war of extermination waged between the Whigs and Tories throughout the Southern frontiers from the Carolinas to Florida. He came out of the struggle an inveterate foe to Great Britain, with his strong native passions intensified and with a consciousness of important powers wielded in the past and still capable of use. After the Revolution he found a vent for his restless nature in the Creek wars that sprung up all along the frontier. But hazy ambitions for greater things began to form, and in following these Clarke failed to define clearly the limit where patriotism ended and movements destructive to his government began. The arrival of Genet in Charleston in 1793 with his schemes of

conquest gave Clarke his first opportunity to further his larger ambitions.<sup>1</sup>

Genet's proposed conquest of the Spanish possessions contemplated two important expeditions: one to gather in the Ohio River country under George Rogers Clark, to float down the Mississippi to take Louisiana; the other to be made up in South Carolina and Georgia to march on East and West Florida. Genet left the active management of affairs in this latter venture to Mangourit, the French consul at Charleston. Samuel Hammond and William Tate were his chief lieutenants in South Carolina.<sup>2</sup> Elijah Clarke was to be intrusted with Georgia's part, responsible especially for enlisting the Georgians and the Creek and Cherokee Indians.<sup>3</sup> A number of elements entered into the situation as far as Clarke and the Georgians were concerned. As before noted, Clarke had a violent hatred of the British. For that reason, if for no other, he would have been

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<sup>1</sup> Elijah Clarke left North Carolina in 1774 and settled in Wilkes County, Georgia. He was a major general in the Georgia forces during the Revolution, commanding in the battle of Kettle Creek and taking an important part in skirmishes in South Carolina leading up to the battle of King's Mountain. See A. D. Candler and C. A. Evans, *Cyclopedia of Georgia* (Atlanta, 1906), 1:396; L. C. Draper, *Kings Mountain and its Heroes* (Cincinnati, 1881), *passim*; J. C. Harris, *Georgia* (New York, 1896), 88-96.

The following is an example of Clarke's strong-willed nature. On the failure of the grand jury to find a true bill against a trifling fellow whom Clarke had accused of horse-stealing, he seized him, and followed by the jury and judge, marched him to the place of the theft, intent on hanging him. He desisted only after the judge had made an eloquent appeal for law and order. G. R. Gilmer, *Sketches of Some of the First Settlers of Upper Georgia, of the Cherokees, and of the Author* (New York, 1855), 185.

<sup>2</sup> Hammond was not previously unknown to Clarke, both having fought together in the battles of Cedar Springs and Musgrove's Hill in the Revolution. George White, *Historical Collections of Georgia Containing the most Interesting Facts, Traditions, Biographical Sketches, Anecdotes, Etc., Relating to its History and Antiquities, from its First Settlement to the Present Time* (New York, 1854), 625, 626. F. J. Turner, "The Mangourit correspondence in respect to Genet's projected attack upon the Floridas, 1793-94," in *American Historical Association, Annual Report, 1897* (Washington, 1898), 569-574.

<sup>3</sup> The fact that two men prominent in this movement bore the name Clark (Elijah Clarke spelled his name with a final *e*, but this was not always adhered to) has led to considerable confusion in early dispatches as well as in later accounts. For example, in the *American State Papers: Foreign Relations*, volume 1, index, p. v, George Rogers Clark and Elijah Clarke are listed as "General Clarke," and this results in a confusion of the doings of the Kentucky and Mississippi River expedition with the Georgia and Floridas affair.

in favor of aiding the French. Georgians in general were leaning toward Jefferson and French sympathies as opposed to the Federalists and British sentiment. This state of mind unconsciously predisposed many to wink at the venture if not to openly aid it. Clarke as well as many other land-hungry Georgians had with deep dissatisfaction seen the Federal Government make treaties with the Creeks and Cherokees which seemed to exclude white settlers forever from large tracts of land. Why not then follow the French for three months and take advantage of large bounties in land offered in the Floridas and in Louisiana?<sup>4</sup> Clarke was also very popular in Georgia, and he knew that he could draw a considerable following with him in any venture he should choose. A large gathering of officers in Georgia agreed to enter the French service on hearing that Clarke would be a leader.<sup>5</sup> There was also the traditional hatred of the Georgians against the Spaniards in Florida, especially intensified by their recent plottings with the Indians.

Clarke entered actively into the service of the French in the fall of 1793, receiving the commission of a major general with an annual salary of \$10,000. He immediately set to work enlisting Georgians for the enterprise. Many veterans of the Revolution who had served with him in that war joined him again. Agents were sent out to many points with ample supplies of money to enlist men and buy provisions, some carrying as much as \$10,000 with them.<sup>6</sup> Different points in Georgia were designated as posts for rendezvous preparatory to proceeding to St. Mary's, the general rendezvous for all troops from both South Carolina and Georgia. The collecting posts in upper Georgia were mostly on the Indian land where the governor of Georgia supposedly

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<sup>4</sup> A committee appointed by the South Carolina house of representatives to investigate the Genet affair reported: "Many citizens of the United States have been . . . seduced from their duty by insidious arts practiced on their kindred affections to the French republic." *American State Papers: Foreign Relations*. 1:309. See also *ibid.*, 459.

<sup>5</sup> Hammond said that at this meeting the officers unanimously expressed the desire to enter the venture immediately "as General Clarke is determined to follow me to aid in the conquest of east Florida." Turner, "Mangourit correspondence," in *American Historical Association, Annual Report*, 1897, p. 636.

<sup>6</sup> T. S. Arthur and W. H. Carpenter, *The History of Georgia from its Earliest Settlement to the Present Time* (Philadelphia, 1845), 291, 292; W. B. Stevens, *History of Georgia* (Philadelphia, 1859), 2:405; A. H. Chappell, *Miscellanies of Georgia* (Atlanta, 1874), 40; *American State Papers: Foreign Relations*, 1:459.

had no control and to which, indeed, the United States could not lay undisputed claim. Troops from the up-country were to assemble on the west side of the Oconee River opposite Greensborough, and troops from the central part of the state were to gather on the same river opposite Kerr's Bluff.<sup>7</sup> The whole length of the Georgia frontier from Tennessee to the Florida line was at this time in a state of great unrest. Private parties were gathering at numerous places bent on invading the Creek country; half-organized commands were camping here and there supposedly to fight the Creeks; and, to make the conditions still more unsettled, the Georgia militia and the Federal troops which were scattered in different forts and camps mostly along the Oconee River were actuated by no friendly feelings toward each other. Out of these discordant elements Clarke was enlisting his recruits. And it can scarcely be doubted that he was using hostility to the Creeks as a cloak for his real designs.<sup>8</sup> At the same time efforts were being made to enlist as many Creeks and Cherokees as possible and to make friends with the remainder. Genet was enabled to use this as proof against the charge that he was plotting on American territory against Spain, claiming that certain persons had merely agreed "to go among the independent Indian tribes, ancient friends and allies of France," to enlist their aid.<sup>9</sup>

Clarke seems to have made considerable progress in gathering

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<sup>7</sup> Turner, "Mangourit correspondence," in American Historical Association, *Annual Report*, 1897, pp. 635, 636.

<sup>8</sup> Henry Knox, secretary of war, in a statement to the United States Senate, December 16, 1793, said: "The present state of this part of the frontier involves national considerations of great magnitude whether viewed as relative to the expense which has been incurred during the past summer, of which payment will most probably be demanded of the United States, whether with regard to the claims of the Governor of Georgia, of a right of interference in any treaty with the Creeks, which is presumed to be contrary to the constitution of the United States, or whether with regard to a war with the powerful tribes of the Creeks, with the long and almost unlimited train of collateral and consequent evils attendant thereon, a measure which may perhaps be avoided, if means could be devised to keep the bold and turbulent of both sides in order." *American State Papers: Indian Affairs*, 1:362. *Ibid.*, 361-429 *passim*.

<sup>9</sup> *American State Papers: Foreign Relations*, 1:311. A plan for a treaty of alliance and friendship with the Creeks may be found in Turner, "Mangourit correspondence" in American Historical Association, *Annual Report*, 1897, pp. 591-593. Many Creeks and Cherokees were enlisted, according to Arthur and Carpenter, *History of Georgia*, 291, 292.

men. According to the commander of the Federal troops in Georgia, the French "appear to have many friends in this undertaking among the inhabitants of this State." He said three hundred men from upper Georgia were expected to join eighty others encamped on the St. Mary's River, and that these together with a French sloop of war would "be sufficient, they say, to take the Floridas as soon as they please." This service was especially attractive to the United States troops, many of whom agreed to join the French "on the expiration of their engagements with the United States." Some, however, did not wait for this, but, prevailed upon by Clarke's recruiting agents, deserted outright. Clarke became fearful of immediate trouble with the United States if this procedure were kept up. Major Williamson, paymaster of Clarke's troops, wrote assuring a United States army officer, "General Clarke requested me to urge the necessity of not interfering with Government, particularly in that of persuading the troops of the United States to desert and join them; and that, if he could find out that any officer or soldier had acted in that manner, contrary to the interests of the United States, should be given into the hands of the law, and be punished as the law directs."<sup>10</sup>

This unsettled state of affairs lasted throughout the winter of 1793-1794. The main work of Clarke during this period was to collect as many troops as possible on the Georgia frontier along the Oconee River and march them to the St. Mary's River, and from there make a descent in force on East Florida. After this province should be in his possession, he was to invade and seize West Florida. There was very little, if any, actual fighting. Clarke was busily engaged in recruiting and commanding troops on the Florida border at one time, and in the Oconee River region at another. He was reported to have attacked West Florida in October but to have been frustrated by the United States troops. In the following April he was back on the Oconee River ready to take command of troops gathering there; while in May he was reported to be on the Florida border again with from 150 to 300 men ready to join the French.<sup>11</sup>

This movement, so disruptive of law and order, could not go

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<sup>10</sup> *American State Papers: Foreign Relations*, 1:459, 460.

<sup>11</sup> Turner, "Mangourit correspondence," in *American Historical Association, Annual Report*, 1897, p. 669; *American State Papers: Foreign Relations*, 1:459, 460.

on long without being challenged from different quarters. The Spaniards were by no means unmindful of what was taking place. The governor of East Florida warned Governor Mathews of Georgia at different times "of the machinations that were put in motion" from Georgia, and urged in January that he exert his "utmost efforts till the said plot shall be entirely destroyed."<sup>12</sup> But the reputation of the Spaniards in Florida was none too good among the Georgians, so that for months the Georgia governor did nothing despite the fact that troop movements against Florida were well known. He knew how popular Clarke was among the Georgians. He also knew that most people in the state were sympathetic toward the venture as long as it was directed by the French against the Spaniards in Florida. Finally, however, he was constrained to issue a proclamation on March 5, forbidding all persons in the state to join the adventurers or to aid or assist them in any way.<sup>13</sup> The proclamation, however determined in tone, could accomplish nothing unless followed up by the force of the Georgia militia. This was not forthcoming. The French had little fear of the Georgia governor. According to the French consul at Charleston, "The Governor of Georgia, whose proclamation has appeared in our newspapers is a good republican—but his proclamation cannot influence the independent Indians, nor the others who have joined the French at St. Mary's."<sup>14</sup> Governor Mathews had frequent correspondence with Clarke during the latter part of this venture, the contents of which can never be known, as these letters have gone the route of many other valuable historical documents.<sup>15</sup> It is safe to infer, however, that Clarke was not convinced of any serious opposition from the governor.

But Georgia had less to fear than did the Federal government.

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<sup>12</sup> *American State Papers: Foreign Relations*, 462, 459; Arthur and Carpenter, *History of Georgia*, 292.

<sup>13</sup> *American State Papers: Foreign Relations*, 1:459. A copy of the proclamation may be found in the *Minutes of the Executive Department*, November 5, 1793, to September 23, 1796, manuscripts in the state archives in Atlanta, 66, 67.

<sup>14</sup> Turner, "Mangourit correspondence," in *American Historical Association, Annual Report*, 1897, p. 653.

<sup>15</sup> The letter book of Governor Mathews containing this correspondence is described by U. B. Phillips, "Public archives of Georgia," in *American Historical Association, Annual Report*, 1903 (Washington, 1904), 1:451. A diligent search was made for it, but without success. It has undoubtedly been destroyed since 1903, when the report was made.

It undoubtedly suited the Georgians well enough to wink at this expedition, but President Washington saw the complications that must inevitably follow with Spain. The war and state departments had been in frequent communication with Governor Shelby of Kentucky relative to the expedition being fitted out against Louisiana. Conditions in Georgia had also been receiving the attention of the secretary of war. All the Federal troops in the state were offered to the governor to assist in putting a stop to the movement, but no call was made for them. In May, Henry Knox, the secretary of war, wrote Governor Mathews impressing upon him the gravity of the situation and informing him that Washington desired him to "take the most energetic and decisive measures within your power for suppressing the said design." In a message to Congress on May 20, 1794, Washington declared he had believed that the idea of a Spanish expedition had been abandoned. "But it appears to have been revived, upon principles which set public order at defiance, and place the peace of the United States at the discretion of unauthorized individuals." In the meantime, a few prosecutions had been entered against certain recruiting agents in Savannah. South Carolina was not so remiss in its duty as was Georgia. In December the general assembly of the former state decided to investigate the machinations of Genet and called for prosecutions against any South Carolinians who had accepted commissions from the French and who were trying to recruit forces.<sup>16</sup>

But the whole scheme was soon destined to fall to pieces for reasons apart from all this. Genet had so conducted himself that in his short stay of a few months as French minister he had come into open conflict in numerous ways with the Federal government. His recall was soon demanded, and in November, 1793, he was displaced by a French commission headed by Fauchet. Thus, in the very midst of his preparations for the Florida expedition, Genet was dismissed. Although this was disconcerting, it did not put an immediate stop to the scheme. Not until the following March did Fauchet issue a proclamation terminating the venture. But this expedition seemed to be easier started than stopped. Some of the most active preparations were made during the two months following Fauchet's

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<sup>16</sup> *American State Papers: Foreign Relations*, 1:309, 455, 460.



proclamation. As late as May, Clarke was busy in the Oconee River region recruiting. Governor Mathews' proclamation mentioned above, was issued only the day before Fauchet disbanded the forces. By the last of May the movement seems to have subsided completely. But as far as Georgia was concerned the aftermath came near being more serious than the original venture.

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After the partisan warfare of the Revolution in which Clarke took such an important part was over, his experience as a fighter was not lost to the state. He immediately took up the fight with the Creeks and the Cherokees and played a predominating role in the conflict with those tribes for the next decade. The character of this war was such as to give ample play to those qualities of self-reliance and independent initiative that were so prominent in Clarke's nature. He made war and concluded peace with scant direction from the governor of the state. In 1782 he went against the Cherokees, defeated them on the Chickamauga, and made peace with them, unauthorized, in the treaty of Long Swamp, whereby the Indians were forced to give up wide areas of land. Most of the provisions of this treaty were included in a new treaty regularly made the following year, but not entirely to Clarke's liking. On a number of other occasions Clarke was one of the commissioners appointed by the governor to treat with the Indians. In August of 1793 he was among the generals called in a council of war by Governor Telfair to confer on an expedition in force against the Creeks. It was decided to march into the Creek country with 5,000 troops in the following October. Washington interposed the authority of the Federal government against this campaign, and Clarke thereupon entered on his aforementioned Florida venture with Genet. He came out of it with a reputation undimmed and an ambition whetted for bolder schemes.<sup>17</sup>

When the Florida movement had about subsided, in May of 1794, Clarke found himself on the Oconee River frontier, with an influence over numerous bodies of men gathered in that region which almost amounted to a complete command over them, and

<sup>17</sup> U. B. Phillips, *Georgia and State Rights* (Washington, 1902), 67; Stevens, *History of Georgia*, 2:415, 417; *White Historical Collections of Georgia*, 123; Chappell, *Miscellanies of Georgia*, 47; *American State Papers: Indian Affairs*, 1:370.

with other men directly subject to his orders, whom he had expected to lead against the Floridas. Events had now prepared the way for a bold stroke. Nothing seemed more logical or feasible to Clarke than to march his men across the Oconee River into the Indian country and set up an independent government.<sup>18</sup> Aside from the ease with which it seemed to him that this might be done, there were other important controlling reasons. Georgians in general were land-hungry. This movement owed many recruits to the genuine home-seekers, who found that all the land that had been ceded by the Indians had already been taken up. A large share of the constant troubles with the Indians was due to land encroachment or attempts at encroachment by the whites. In the words of a representative of the Indians to a Georgia officer: "You well know, the cause of the discontent with us has ever been, the limits of our country; consider that we have retreated from the plains to the woods, from thence to the mountains; but no limits, established by nature or by compact, have stayed the ambitions, or satisfied your people."<sup>19</sup> The same ideas of government and law and order that characterized frontiersmen generally, possessed these people. As a later governor said, "They had slight comprehension of government, and but little use for that which they had, but as the instrument for satisfying their desire for more land."<sup>20</sup> Thus, there were numerous ill-defined schemes of individuals and groups of persons to enter onto the Indian country in one way or another.<sup>21</sup> A United States agent reported to the war department "that settling the lands on the south side of the Oconee is a favorite object with

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<sup>18</sup> Chappell, *Miscellanies of Georgia*, 42; *Narrative and Critical History of America*, edited by Justin Winsor (Boston, 1888), 7:447; Theodore Roosevelt, *Winning of the West* (New York, 1898), 4:151, 173; Arthur and Carpenter, *History of Georgia*, 293, 294. Roosevelt, *Winning of the West*, 4:193, 194, confuses Clarke's French intrigues with his settlement, representing them as taking place at the same time, and Clarke as masquerading at one time as a major general of the French army, with his men as the *sans culottes*, and at another time as the head of an independent government. Stevens, *History of Georgia*, 2:405, is so far wrong as to represent the French venture as a result of the failure of the trans-Oconee settlement.

<sup>19</sup> *American State Papers: Indian Affairs*, 1:371.

<sup>20</sup> Gilmer, *Sketches of the First Settlers of Upper Georgia*, 189.

<sup>21</sup> Some time before Clarke's attempted settlement (in 1789) the legislature of Georgia made the first Yazoo land sales in the movement that brought the second sales of 1795 with the frauds that accompanied them and the troubles that followed. Clarke could not have been completely oblivious to these happenings.

the inhabitants of the upper counties." The Indians also made the accusation to an officer of the Georgia militia "that numbers of people wish to get possession of our lands, and are framing plans for that purpose."<sup>22</sup>

Another element that entered into the situation, complicating the land question, and thereby playing into the hands of Clarke, was the dealings of the United States government with the Indians. As a checkmate to the influence of the Spaniards over the Creeks, Alexander McGillivray and other Creek chiefs were invited to New York, where a treaty was made with them in 1790, fixing the Oconee River as the boundary between the whites and the Indians and guaranteeing the lands west of that river to the latter.<sup>23</sup> It was unthinkable to the Georgians that such a treaty could be imposed upon them. It cut off completely the future growth of the state, limiting her territory to a comparatively narrow strip along the coast and the Savannah River. If that treaty were enforced, the state was doomed to lose all her vast western domain, "the richest jewel the State of Georgia possesses, and the real basis of her future wealth and rank in the Union." Under this provocation the land-hungry settlers became intensely hostile toward the Indians and had little more friendly feelings toward the Federal Government. One of them is reported to have said of the Federal agents attempting to make peace with the Indians, "that, instead of pacifying the Indians, they were only encouraging and paying them to destroy our frontier inhabitants; and, as Congress are a set of rascals, and the Secretary of War an enemy to his country, if he had it in his power, he would drown them in the sea; observing, at the same time, that he was confident, the Executive officers of the Federal Government wished that the Indians might destroy the whole State of Georgia." The government of Georgia was by no means pleased with conditions. The governor declared that

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<sup>22</sup> *American State Papers: Indian Affairs*, 1:371, 500.

<sup>23</sup> Winsor, *Narrative and Critical History*, 7:447; Phillips, *Georgia and State Rights*, 41-43.

treaties with the Indians were null and void unless the state were given a part in their making.<sup>24</sup>

Clarke decided to take advantage of these discords that seemed to surround him on all sides. Leading an army of settlers into the Indian country would be very popular with these frontiersmen. The opposition of the people as well as of the state government to the treaty of New York, barring them from the trans-Oconee River region, further emboldened him to make the attempt. He feared no authority in Georgia, supported as he was by a large personal following and aided by a popular cause. Certainly the governor of the state would not oppose him in breaking a treaty against which he himself had protested so vigorously. Clarke seems to have been to a great extent an opportunist. That he undertook the settlement was due very largely to the peculiar conditions and surroundings he found himself in. Perhaps the thought of setting up an independent government was not entertained when he first began this movement, but this scheme gradually grew as he saw with what apparent ease it might be done. It has been argued that Clarke was actuated by the highest motives of loyalty to his state, seeing that it could never amount to much without the use of its western lands, and that after building up a separate republic he intended ultimately to annex it to Georgia.<sup>25</sup>

Clarke's movements at first attracted little attention. It was generally supposed that he was leading a party against the Indians.<sup>26</sup> Even when the parties began to settle down without opposing the Indians, Governor Mathews guessed "that the ad-

<sup>24</sup> *American State Papers: Indian Affairs*, 1:412, 414, 499. In the federal constitutional convention at Philadelphia, Georgia, although one of the smallest states in population, had voted generally with the large states, on account of her extensive holdings of western lands which she expected to develop.

James Seagroves, a federal agent to the Indians, reported that, "The opposition to every measure favorable to peace with the Creek Indians, as well as the pointed disrespect to every person in the immediate service of the General Government, is so conspicuous and general among the inhabitants of this upper country, as, in my humble opinion, to give just reason to fear that the cause proceeds, in a great degree, from a source in this State, which it ought not." *Ibid.*, 409.

<sup>25</sup> Chappell, *Miscellanies of Georgia*, 54; L. L. Knight, *Standard History of Georgia and Georgians* (Chicago, 1917), 1:380-383.

<sup>26</sup> An officer stationed on the Oconee River at Fort Mathews reported on May 7 that he was informed "that General Clarke is to cross here today, with a number of militia; it is supposed with an intention to take some Indians that are at Montpelier." *American State Papers: Indian Affairs*, 1:482, 484.

venturers were part of those who had embarked in the French interest, and that, in a short time, they would of themselves disperse.'<sup>27</sup> But as the venture soon began to take on all the characteristics of a permanent settlement, the governor was roused to action. He directed General Irwin, an old comrade-in-arms of Clarke's, to order the settlers to move. The order was obeyed, and in a short time the movement seems to have ended; but only to break out again at a new place. In the middle of July the commander of the Federal troops in Georgia informed Governor Mathews that Clarke was encamping in the Indian country opposite Fort Fidius. Mathews demanded of Clarke an immediate removal of his settlers. Clarke refused in a very positive manner. A direct issue was here raised which smacked of treason and rebellion against the constituted authorities. Clarke expected widespread support throughout the frontier communities; Mathews did not feel reassured.

The issue was now joined, and there was no other course for Governor Mathews but to continue. On July 28, he issued a proclamation reciting how Clarke had "induced numbers of the good citizens of the . . . State to join him" and strictly commanding and requiring "all judges, justices, sheriffs, and other officers, and all other good citizens of this State, to be diligent in aiding and assisting in apprehending the said Elijah Clarke and his adherents, in order that they may severally be brought to justice." He also issued an order to a judge of the superior court of Wilkes County to issue a warrant for the arrest of Clarke. But the latter, believing that he had the support of the great majority of the people, forestalled the procedure by voluntarily surrendering to the court. The judge, not greatly emboldened by conditions as he saw them, decided after consultation with the attorney-general not to issue the warrant, but instead to turn the case over to a board of four justices of the county. Tainted with the general demoralization that pervaded these regions, they released Clarke from further restraint, declaring that, "it being our duty to do speedy justice to the said State, as well as the party charged, we proceeded to the most mature consideration of the cause, and, after an examination of the laws of the State, and the treaties made, and laws passed, by

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<sup>27</sup> *American State Papers: Indian Affairs*, 495; White, *Historical Collections of Georgia*, 686.

the United States, do give it as our decided and unanimous opinion, that the said Elijah Clarke be, and is hereby, discharged.'"<sup>28</sup>

In Clarke's estimation this was one of the most important tests that should determine the success of the scheme; and he had won a decided victory. Governor Mathews, on the other hand, was led "to conclude, there are too many who think favorably of the settlement; but I still flatter myself a large majority of the citizens are opposed to such lawless acts." Clarke now began to push his settlement with redoubled vigor. He believed the militia would refuse to attack, even if the governor should have the temerity to order them against him. Many people now began to flock to Clarke's banner, who had hitherto held off for fear of the state government. A well organized settlement was soon begun, towns laid out, and a government set up. Fort Advance and Fort Defiance were erected as outposts. A provisional constitution was adopted, and a committee of safety chosen, with law-making powers. Clarke was made civil and military head of the government.<sup>29</sup>

The attitude of the Indians towards the settlement, since it was building on lands guaranteed to them by treaty, Clarke had to consider. With all his former bitter hostility toward them, still he commanded a certain respect from them and influence over them. There is no evidence of a formal agreement ever being made, but there was certainly a workable understanding subsisting. It was feared by the Federal Government that an agreement had been actually entered into, and that the governor of the state might be disposed to recognize it. It was urged that this should not deter him from breaking up the scheme, as it would otherwise afford a pernicious example for the future. A Federal agent reported to the secretary of war that "It is a singular circumstance . . . that not the least opposition has been shown by the Indians to the settlements which were making on their lands, otherwise than by representations to the Governor,

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<sup>28</sup> *American State Papers: Indian Affairs*, 1:496, 595; Stevens, *History of Georgia*, 2:402; White, *Historical Collections of Georgia*, 686, 687; Arthur and Carpenter, *History of Georgia*, 294.

<sup>29</sup> *American State Papers: Indian Affairs*, 1:495, 500, 501; Knight, *Standard History of Georgia and Georgians*, 381; Arthur and Carpenter, *History of Georgia*, 294; White, *Historical Collections of Georgia*, 687.

and they had at no time been more quiet than they are at present."<sup>30</sup> Answering an inquiry and complaint of the "headmen and warriors of the Creek nation" to the governor, he reassured them that "The fort you complain of over the Oconee, is not built by my orders, nor your father, General Washington; it is done by men acting without any authority. I am informed they intend to rent the land of you; but if you don't choose to let them live on it . . . you need not be uneasy about them; your father, General Washington, will have them put off of it."<sup>31</sup>

As suggested above, the Federal Government had been viewing Clarke's maneuvers with some concern as to their outcome. During the early period of the settlement, while Governor Mathews was yet calculating the forces behind Clarke and had not yet taken a decided stand against the project, the Federal Government was becoming suspicious of affairs on the Georgia frontier. In the latter part of July the secretary of war informed Governor Mathews that he understood "a considerable body of people in the upper part of Georgia, have associated themselves for the purpose of setting up an independent government." He informed the Georgia governor that Washington "requests your Excellency to adopt the following line of conduct, without delay:

"1st. To warn, by proclamation, these disturbers of the peace, that they are offending against the laws of the United States and of Georgia, and that their attempts will be repelled by military force.

"2d. To embody such parts of your militia as may be necessary to accomplish the business with decision.

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<sup>30</sup> *American State Papers: Indian Affairs*, 1:500, 502. A stringent law had been passed by Congress in 1793 against settlers entering into the Indian country. *Ibid.*, 498.

Fauchet, the French minister to the United States succeeding Genet, wrote his government on December 27, 1794, that "In Georgia the Creek Indians came very near taking up arms on account of the invasion of a few hundred adventurers who had enlisted for service in our expedition against the Floridas, and who since the abandonment of this project have thought of expatriating themselves and under the leadership of Major Clarke of taking possession of a portion of territory which belongs to the savages." "Correspondence of the French minister to the United States, 1791-1797," edited by F. J. Turner, in *American Historical Association, Annual Report*, 1903, volume 2, p. 524.

<sup>31</sup> *American State Papers: Indian Affairs*, 1:497. The protest of this body of Indians does not preclude the possibility of a tacit understanding with another faction. See also *ibid.*, 499.

“3d. To call upon the commanding officer of the Federal troops in Georgia, who is instructed to obey your Excellency’s orders, to co-operate in the removal of these settlers from the Indian lands.”

On the very day on which this communication was written Governor Mathews had issued his proclamation, before mentioned, calling on Clarke to desist from his venture. Subsequent happenings, and especially the decision of the Wilkes County justices discharging Clarke and virtually declaring the treaty of New York null and void, were not very reassuring to President Washington. Two months later, Alexander Hamilton, in the absence of the secretary of war, wrote Governor Mathews that the governor of South Carolina had been requested to send the state militia to aid in putting down the undertaking, if the Georgia governor deemed it necessary. He also declared it “impossible to conceive a settlement more unjustifiable in its pretexts, or more dangerous in its principle. . . . It is not only a high handed usurpation of the rights of the General and State Governments, and a most unwarrantable encroachment upon those of the Indians; but, proceeding upon the idea of a separate and independent government, to be erected upon a *military* basis, it is essentially hostile to our republican systems of government, and is pregnant with incalculable mischiefs. It deeply concerns the great interests of the country that such an establishment should not be permitted to take root, and that the example should be checked by adequate punishment.”<sup>32</sup>

There could be no doubt now as to the serious nature of the enterprise. Judge Walton in referring to the venture in his charge to the grand jury of Richmond County declared that “the moment is eventful . . . the eyes of the Union are necessarily turned toward this State.” He believed that “A young country, scarcely recovered from former ravages, but with the means of progressive amplification and aggrandizement, to be involved in civil war, with all the evils incident to it, will have the effect of arresting its progress, and putting it in the back of any present calculation.” But even a man of the stern patriotism of Judge Walton could not refer to Clarke in his present role without an appreciation of his past services: “With the gentle-

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<sup>32</sup> *American State Papers: Indian Affairs*, 1:501, 502.



man who directs this enterprise, I have been a long time in the habits of regard and friendship; I have known his virtues, and esteemed them. In the long and arduous war, which produced our liberty and independence, he stands high in the lists of Revolutionary patriots and soldiers. But he himself will forgive and justify me, in detailing the laws against a scheme which tends to undermine the fair fabric he contributed to raise, and to subvert the order of that society, of which he has been so long an useful member."<sup>33</sup>

But in the meantime, Governor Mathews had assumed a sterner attitude, upon Clarke's entry on his project with renewed vigor and determination following his acquittal by the Wilkes County justices. In the latter part of August, he informed the secretary of war that "however unpleasant the task may be, of shedding the blood of acquaintances, and those whom we wish to view as fellow-citizens, yet the President may rest assured that no exertions on my part shall be wanting." As a last resort before beginning actual warfare, Governor Mathews sent General Twiggs, one of Clarke's old associates in many battles in the Revolution as well as against the Indians, to get him to desist. "Should the order not be obeyed, I shall lose no time in drawing together a force adequate to compelling them." This he promised the secretary of war, at the same time asking what should be done with any prisoners that might be taken. Probably he was fearful of the results, if Georgia should attempt to prosecute them. He was advised to turn them over to the Federal court. A plan of campaign was now drawn up to be carried out by generals Twiggs and Irwin. The main purpose was to establish a blockade up and down the Oconee River to prevent provisions from being brought to Clarke and also to keep recruits from reaching him. For the time being no offensive measures were to be undertaken. In fact no actual fighting was contemplated, as it was supposed that the blockade would bring about success. The command was admonished by Governor Mathews to conduct itself "with the greatest circumspection,

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<sup>33</sup> *American State Papers: Indian Affairs*, 498, 499.

and, in no instance, commit an act of hostility, unless in self-preservation."<sup>34</sup>

Clarke assumed a defiant attitude, and began to make active preparations to resist any attempt of troops to break up his settlement. He cheered his committee of safety with the assurance that "the troops declare they will not fight against us." He also boldly declared, "I am determinately fixed to risk every thing, with my life, upon the issue, and for the success of the enterprise." In his estimation, a majority of the people of the state were with him in sentiment, and he was not afraid of being interfered with if the decision were left to the courts. He therefore specifically ordered his men to refuse to surrender to the troops; but "you will cheerfully submit to be tried by a jury of your fellow-citizens." He even would be so bold as to try to use the processes of the courts to break the blockade against him. He declared the troops "have no right to take hold of any private property whatever, and, for everything detained, to the value of one shilling, belonging to any adventurer, they shall suffer the penalty of the law. If such case should turn up, apply to a magistrate, and bind the party offending to the next superior court." He furthermore stated that the orders of the secretary of war were "unconstitutional" and the governor's proclamation "illegal," as had been determined by the Wilkes County justices.<sup>35</sup> These were strange ideas and procedures for the head of an independent government to assume and undertake. It only goes to show how vague Clarke's understanding was of the consequences entailed by the new order he was attempting to set up.

But despite Clarke's bold front, the Georgia troops were scattered all along the Oconee and proceeded to enforce the blockade. This determined action by the state was not expected by many of the Clarke followers. They had been relying on what they considered to be public sentiment to prevent any opposition from the state; but now they found many people siding against them. Large numbers of people who wanted land were not willing to go to the limits of defying their government to get it. When the issue became clear-cut, the majority opinion even on the

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<sup>34</sup> *Ibid.*, 1:495, 496, 497, 503.

<sup>35</sup> *Ibid.*, 501.

frontier went against Clarke. Many soon came to believe with Judge Walton that they had no interest in supporting "the pretensions of a small part of the people—presensions without law, and resting not on the foundations of justice." In the latter part of September the Georgia troops were ordered to cross the river and proceed immediately against the settlements. When this movement began Clarke's men almost completely deserted him, so that on the twenty-eighth, when Fort Advance was taken, only twenty men remained with him. Before surrendering, Clarke and his men were promised protection in their persons and property. In the words of Governor Mathews, General Irwin "soon compelled the adventurers to propose relinquishing their unlawful attempts, and submit to the laws of their country. The posts are all burnt and destroyed, and the whole business happily terminated without the loss of blood."<sup>36</sup>

Although this summary action put a stop to this venture, and to any other such schemes by Clarke, it was a fruitful source of bitter partisan strife to follow. Clarke's influence was still so great that he not only escaped all punishment, although attempts were made to bring him to justice, but succeeded in creating a considerable reaction of sentiment against Governor Mathews. In his message to the general assembly on November 3, 1794, the governor made this reference to the affair: "The daring unauthorized attempt of Elijah Clarke late a Major General of this State to form a settlement on the South West side of the Oconee is such a violation of Law & and every principle of good order, that I doubt not of receiving your support & concurrence in pursuing Such Measures against the leading characters concerned, as will deter others from engaging in Acts which have in their operation, a tendency toward envolving our fellow Citizens in the horrors of a civil war." He said the state was under much obligation to General Irwin for "reducing those refractory people without the loss of blood." He also defended his proclamation against Clarke, which "by some has been condemned as oppressive and illegal."<sup>37</sup>

<sup>37</sup> *Minutes of the Executive Department*, November 5, 1793, to September 23, 1796, (Mss) p. 169.

<sup>38</sup> *American State Papers: Indian Affairs*, 1:499, 500; White, *Historical Collections of Georgia*, 687; Arthur and Carpenter, *History of Georgia*, 295. The number of men associated with Clarke at any time was probably not greater than three or four hundred.

Although Clarke's land schemes were never renewed, he was accused three years later by the Spanish minister to the United States of another plot against Florida. In a letter to the secretary of state the ambassador said, "I know to a certainty that the English have made propositions to General Clarke of Georgia, in order to avail themselves of his influence in that State, together with some other persons, for making a diversion of serious attack against Florida." Inquiry was made of the Federal district attorney for Georgia about this matter. In his reply he said, "I have made diligent inquiry, and cannot find any person here that knows any thing of the business, or that entertains a belief of the kind. Clarke was concerned in a former expedition against the Floridas, in conjunction with the French, and it is possible, from the circumstances, that he is again suspected. He is a man of strong passions, of warm partialities for the French, and violent antipathies to the English. From these circumstances, and from the matter being unknown to the citizens here, I am led to doubt the truth of the report altogether." Secretary Pickering's later inquiries of the British envoy failed to clarify completely British machinations regarding Florida. The latter admitted that "some persons did actually propose to me a plan for an attack on the Floridas," but none "expressed sentiments that were in any degree hostile to the interests of the United States."<sup>38</sup> Clarke's past reputation for such ventures was perhaps more responsible for this accusation than any serious conversations he had ever had with the British.

Although these various machinations of Clarke's never succeeded in getting very far, they might have caused much mischief to state and nation had the sufferance of the authorities allowed them to proceed further. Clarke himself was a rather remarkable man, a typical product of his time and surroundings. His ventures were not the deep-laid plots of a dangerous man. He rather happened upon them, and their ultimate purposes grew as they proceeded. He was an uneducated frontiersman,

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<sup>38</sup> *American State Papers: Foreign Relations*, 2:68, 71. The French consul general at Philadelphia believed that Clarke had been offered something by the British to invade Florida. "Correspondence of the French ministers," (Turner, ed.), in *American Historical Association, Annual Report*, 1903, 2:1037.

and a partisan fighter at all times, whether he opposed the British or the Indians, or engaged in the political animosities of the day. His services to his state were important and lasting; his mistakes were soon forgotten. Twenty-five years after his death, he was characterized as "not only a patriot of the Revolution, but as honest, daring, and intrepid a spirit as ever breathed."<sup>39</sup> In 1799, the commander-in-chief of the Georgia militia announced in a general order "that the gallant old veteran, the late major general Clarke, of Georgia, whose name ought to be so dear to this and the United States, for his truly heroic exploits is dead." It was, therefore, ordered that all officers for one month "do wear . . . a crepe around the left arm, as a token of that affection which the government and military bear to his memory, for his great patriotic, and military exertions, during the revolutionary war."<sup>40</sup> The *Augusta Herald* in announcing his death, referred to him as a "late Major General of this state, whose meritorious achievements during the late revolution are so well known, we deem it unnecessary to particularize."<sup>41</sup> So, whatever may have been his indiscretions, he always retained a large number of admirers, and by the time of his death had generally regained the esteem of his state.

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<sup>39</sup> *American State Papers: Indian Affairs*, 2:792. There is absolutely no taint on the name of Elijah Clarke among Georgians today. One of the counties of the state (laid off and named in 1801) bears his name, and a monument has been erected to his memory in the city of Athens.

<sup>40</sup> *Georgia Gazette*, January 2, 1800.

<sup>41</sup> December 25, 1799.